

**TIPPECANOE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
MARCH 6, 2006**

The Tippecanoe County Commissioners met on Monday, March 6, 2006 at 10:00 A.M. in the Tippecanoe Room in the County Office Building. Commissioners present were: President John L. Knochel, Vice President Ruth E. Shedd, and Member KD Benson. Also present were: Auditor Robert A. Plantenga, Commissioners' Assistant Jennifer Weston, County Attorney David W. Luhman, and Secretary Pauline E. Rohr.

President Knochel called the meeting to order and led the Pledge of Allegiance.

APPROVAL OF MINUTES

- Commissioner Shedd moved to approve the Minutes of the February 21, 2006 Regular Meeting as distributed, seconded by Commissioner Benson; motion carried.

APPROVAL OF ACCOUNTS PAYABLE VOUCHERS

- Upon the recommendation of Commissioners' Assistant Jennifer Weston, Commissioner Benson moved to approve the Accounts Payable Vouchers through March 6, 2006 with no exceptions, seconded by Commissioner Shedd; motion carried.

PROCLAMATION: Severe Weather Awareness Week:

Emergency Management Director Mark Kirby announced the reading of the Tippecanoe County, Lafayette, West Lafayette and Purdue University Executive Department Proclamation of "Severe Weather Awareness Week" March 5 – 11, 2006. West Lafayette Mayor Jan Mills, Lafayette Mayor Tony Roswarski, Purdue University representative Carol Shelby, and Commissioners Knochel, Benson, and Shedd joined in reading the Proclamation declaring the week of March 5 – 11, 2006 "Severe Weather Awareness Week". Statewide tornado warning exercises will be held on Wednesday, March 8, 2006 for the purpose of testing communications systems, equipment, and procedures.

HIGHWAY: Executive Director Opal Kuhl

Bids Opened: Truck Mounted Paint Striping Machine

Attorney Luhman opened and read the bids:

| | | | |
|--------------------------|----------|--|-----------|
| Korte Bros., Inc. | Bid Bond | Includes Addendum #1 & #2 | \$159,994 |
| TMT-Pathway | Bid Bond | | \$169,276 |
| Kelly-Creswell Co., Inc. | Bid Bond | Option #1 | \$131,999 |
| | | Option #2 as specified except difference on Footage Counter | \$129,999 |
| EZ-Liner Industries | Bid Bond | | \$143,200 |

- Upon Attorney Luhman's recommendation, Commissioner Shedd moved to take the bids under advisement, seconded by Commissioner Benson; motion carried.

Escrow Agreement: Journal and Courier Project

Ms Kuhl explained the Journal and Courier is installing accel and decel lanes on the east side of 500 E at the site of their new facility. Since the west side of 500 E will be improved at a later date, the Journal and Courier's share of \$5,069 will be placed in escrow.

- Commissioner Shedd moved to approve the Escrow Agreement in the amount of \$5,069 for the Journal and Courier, seconded by Commissioner Benson; motion carried.

Change Order #2: 2005 Culvert Rehabilitation Project: H. Stewart Kline & Associates, Inc.

Ms Kuhl submitted the final Change Order for an additional \$1,029.45 which is a balancing of all the quantities.

- Commissioner Shedd moved to approve Change Order #2 in the amount of \$1,029.45 for the 2005 Culvert Rehabilitation Project, seconded by Commissioner Benson; motion carried.

Contract Modification: 200 N Reconstruction Project: H. Stewart Kline & Associates, Inc.

Ms Kuhl presented the Contract Modification in the amount of \$15,797.22 for mobilization, traffic maintenance, pipe removal, and pumping septic tank for the 200 N Reconstruction Project.

- Commissioner Shedd moved to approve the Contract Modification in the amount of \$15,797.22 for the 200 N Reconstruction Project, seconded by Commissioner Benson; motion carried.

Utility Maintenance Bond #929372779: Ortman Drilling, Inc.

- Commissioner Shedd moved to accept Three (3) year Utility Maintenance Bond #929372779 in the amount of \$5,000 for Ortman Drilling, Inc. for work in County right-of-ways, seconded by Commissioner Benson; motion carried.

Maintenance Bond #104666892: Milestone Contractors, L.P.

- Commissioner Shedd moved to accept Three (3) year Maintenance Bond #104666892 in the amount of \$4,000 for Milestone Contractors, L.P. for Kirkpatrick Ditch Culvert and Regal Valley Drive Extension seeding, seconded by Commissioner Benson; motion carried.

Construction Engineering Supplemental Agreement #1: 200 N Reconstruction Project: H. Stewart Kline & Associates, Inc.

This agreement for an additional \$12,000 will increase the original not-to-exceed amount to \$182,000. The additional compensation is for design revisions and associated additional inspection services for the 200 N Reconstruction Project.

- Commissioner Shedd moved to approve construction Engineering Supplemental Agreement #1 in the amount of \$12,000, seconded by Commissioner Benson; motion carried.

ORDINANCE 2006-05-CM: UZO Amendment #50 – Crematories: Sr. Planner Kathy Lind

Ordinance 2006-05-CM will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

- Commissioner Shedd moved to hear and approve Ordinance 2006-05-CM, seconded by Commissioner Benson.

(quote)

February 16, 2006

Ref. No.: 06-078

Tippecanoe County Commissioners
20 N. 3rd Street
Lafayette IN 47901

CERTIFICATION

**RE: UZO AMENDMENT # 50-CREMATORIES AMENDMENT:
Changes to the Permitted Use Table (Section 3.2) regarding crematories**

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on February 15, 2006, the Area Plan Commission of Tippecanoe County voted 12 yes - 1 no on the motion to approve the enclosed amendment to the Unified Zoning Ordinance. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed zoning ordinance amendment be approved.

Sincerely,
/s/Sallie Dell Fahey
Executive Director

(unquote)

Mrs. Lind reviewed the changes in the Zoning Ordinance that currently allows crematories by special exception in the residential zones of R1, R1A, R1B, R1U, R2, R2U, the commercial zones of NB, NBU, GB, CB, and CBW, and the agricultural zones A, AA, and AW. She said they are not permitted in any of the industrial zones and are not permitted by right in any zone.

The first two sections of the amendment would remove crematories from all residential zones, would keep crematories in the A, AA, and AW zones with a special exception, and would continue to allow crematories by special exception in the business districts NB, NBU, GB, CB, and CBW with a footnote that only permits them "in association with a funeral home". It would also allow crematories by special exception in the I1 zone and would allow crematories by right in I2 and I3, the heaviest industrial zones.

The third portion of the amendment corrects a typographical error in UZO Section 6-4-3 Rules and Procedures.

Commissioner Benson commented this ordinance is a compromise of all involved.

With no further comments, Auditor Plantenga recorded the vote:

| | |
|--------------|-----|
| John Knochel | Yes |
| Ruth Shedd | Yes |
| KD Benson | Yes |

- The motion to approve Ordinance 2006-05-CM passed 3 – 0.

RESOLUTION 2006-10-CM: Establishes the Berlovitz Detention Fund: Surveyor Steve Murray

Attorney Luhman read Resolution 2006-10-CM that will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

The Resolution establishes the Berlovitz Detention Fund to hold monies received for the construction and maintenance of regional stormwater detention facilities benefiting the Julius Berlovitz Regulated Drain watershed. The Fund will retain its own interest.

- Commissioner Shedd moved to approve Resolution 2006-10-CM, seconded by Commissioner Benson; motion carried.

RESOLUTION 2006-11-CM: Establishes the Upper JN Kirkpatrick Detention Fund: Surveyor Steve Murray

Attorney Luhman read Resolution 2006-11-CM that will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

The Resolution establishes the Upper JN Kirkpatrick Detention Fund to hold monies received for the construction and maintenance of regional stormwater detention facilities benefiting the Upper JN Kirkpatrick Regulated Drain. The Fund will retain its own interest.

- Commissioner Shedd moved to approve Resolution 2006-11-CM, seconded by Commissioner Benson; motion carried.

ORDINANCE 2006-04-CM: First Reading: Amending Tippecanoe County Code Adding New Chapter 31.124 Requiring Digital Data Submission and Establishing Digital Data Submission Standards: Surveyor Steve Murray

Attorney Luhman summarized Ordinance 2006-04-CM that will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

- The Ordinance establishes uniform Digital Data Submission Standards for Tippecanoe County.
- It requires that all subdivision final plats, planned development final detailed plans and plats, parcelizations, easements and surveys as required for recording by Indiana Administrative Code shall be submitted digitally at the time of recording to the Auditor's Office and comply with those standards.
- The Auditor's Office has 30 days to review the submission to make sure it complies with the standards.
- If the Auditor's Office determines that the submission doesn't meet those standards, then the submitting party will be notified that another 30 days will be allowed for correction and to re-submit them.
- If documents otherwise entitled to be recorded in the Recorder's Office, its ability to be recorded is not changed.
- The Ordinance provides a fine not exceeding \$2,500 for a first violation and not exceeding \$7,500 for subsequent violations.

Mr. Murray said this has become standard practice in other counties such as Hendricks, Marion, Hamilton, and Hancock. Most counties that have GIS are moving in this direction. He explained that the paper copy is required by the Recorder but the digital copy is primarily to keep the parcel layer up-to-date as quickly and cost effectively as possible.

- Commissioner Shedd moved to approve Ordinance 2006-04-CM effective July 1, 2006 on first reading, seconded by Commissioner Benson.

Auditor Plantenga recorded the vote:

| | |
|--------------|-----|
| Ruth Shedd | Yes |
| KD Benson | Yes |
| John Knochel | Yes |

- The motion to approve Ordinance 2006-04-CM passed 3 – 0 on first reading.

MEMORANDUM OF AGREEMENT: Tippecanoe NPDES Phase II Project Team and the Tippecanoe Soil & Water Conservation District: Surveyor Steve Murray

Mr. Murray requested approval of this Agreement in which the NPDES Phase II Project Team agrees to fund the existing Tippecanoe Soil and Water Conservation District Water Quality Educator position for the purpose of assisting in the fulfillment of the NPDES permit requirement. The cost will be split among six of the seven entities.

- Commissioner Shedd moved to approve the Memorandum of Agreement and authorize Commissioner Benson, MS4 Operator, to sign, seconded by Commissioner Benson; motion carried.

Commissioner Benson expressed her appreciation for Mr. Murray's work.

ELECTION CONTRACT: Poll Workers

- Commissioner Shedd moved to approve the Election Contract for Poll Workers for the May 2, 2006 Primary Election for which the Inspector will be paid \$140, the Republican and Democratic Clerks will be paid \$110 each, the Republican Judge will be paid \$110, and the Democratic Judge will be paid \$115, seconded by Commissioner Benson; motion carried.

SERVICES AGREEMENT: Ivy Tech Community College

- Commissioner Shedd moved to approve the Services Agreement with Ivy Tech Community College for 2006 Primary Election Poll Worker Training, seconded by Commissioner Benson; motion carried.

FIRE ALARM MAINTENANCE AGREEMENT RENEWAL: SimplexGrinnell

- Commissioner Shedd moved to renew the Fire Alarm Maintenance Agreement with SimplexGrinnell for an annual amount of \$1,292.50 for the Tippecanoe Villa, seconded by Commissioner Benson; motion carried.

WAGE BOARD APPOINTMENTS

- Commissioner Shedd moved to ratify appointments to the Common Wage Board of Tom Murtaugh, Betty Michael, and Dave Lahr for Lauramie Creek Bank Stabilization (900 S), the 2006 Culvert Replacement Project, and the 2006 Bridge Rehabilitation Project, seconded by Commissioner Benson; motion carried.
- Commissioner Shedd moved to appoint Betty Michael to the Common Wage Board for the Ivy Tech Community College North Parking Lot Phase II Project, seconded by Commissioner Benson; motion carried.

UNFINISHED BUSINESS

President Knochel announced the Intergovernmental Agreement for the Lilly Project will be on the March 20, 2006 Agenda.

REPORTS

Reports for the Tippecanoe County Library, Mail & Duplicating, Veterans Affairs, and Weights & Measures are on file in the Commissioners' Office for review.

PUBLIC COMMENT

None.

ADJOURNMENT

- Commissioner Shedd moved to adjourn, seconded by Commissioner Benson; motion carried.

BOARD OF COMMISSIONERS OF THE COUNTY OF TIPPECANOE

John L. Knochel, President

ATTEST:

Ruth E. Shedd, Vice President

Robert A. Plantenga, Auditor

KD Benson, Member